

ORIGINAL

D&F
c/m

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
VICTORIA CRUISES, INC.,

Plaintiff,

-against-

CHANGJIANG CRUISE OVERSEAS TRAVEL
CO., YANGTZE CRUISES, INC., and JOHN
DOES 1-10,

Defendants.
-----X

ORDER

Case No. CV-03-3146(FB)(MDG)

FILED

IN CLERK'S OFFICE
U.S. DISTRICT COURT, E.D.N.Y.

★ OCT 14 2005 ★

BROOKLYN OFFICE

Appearances:

For the Plaintiff:

FRANK SEILER, Esq.
HAROLD W. SUCKENIK, Esq.
747 Third Avenue, 22nd Floor
New York, NY 10017

For the Defendant:

Quinyi Li, *pro se*
Yangtze Cruises, Inc.
2031 U.S. Highway 130, Suite F
Monmouth Junction, NJ 08852

BLOCK, District Judge:

Plaintiff Victoria Cruises, Inc. ("Victoria") filed suit against Changjiang Cruise Overseas Travel Co. ("Changjiang"), Yangtze Cruises, Inc. ("Yangtze"), and ten individual "John Doe" defendants, alleging trademark infringement and dilution and unfair competition under the Lanham Trademark Act, 15 U.S.C. § 1051 *et seq.*, and state law claims of dilution, unfair competition, and deceptive trade practices. On January 27, 2005, the

Court dismissed Victoria's claims against Changjiang and the John Doe defendants for lack of service. The Court further ordered that Yangtze be given until February 28, 2005 to retain and appear by counsel, and that failure to comply with this directive would result in the entry of default judgment against Yangtze. *See Eagle Assocs. v. Bank of Montreal*, 926 F.2d 1305, 1310 (2d Cir. 1991) (holding that district court appropriately entered default judgment against party who disregarded court's order to appear through counsel, because "[s]uch cavalier disregard for a court order is a failure, under Rule 55(a), to 'otherwise defend as provided by these rules.'" (internal citations omitted)). Although a copy of the Court's January 27, 2005 order was delivered to Yangtze via certified mail on February 7, 2005, Yangtze failed to enter an appearance by the date specified therein.

By letter dated March 15, 2005, Victoria moved for default against Yangtze. Because Yangtze failed to comply with the Court's order to enter an appearance by attorney, the motion is granted, and the Clerk is directed to enter Yangtze's default on the docket. The matter is referred to the assigned magistrate judge for a report and recommendation on the appropriate damages and injunctive relief.

SO ORDERED.

/s/

FREDERIC BLOCK
United States District Judge

Brooklyn, NY
October 12, 2005